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The Honorable Robert S. Lasnik

Attorneys for Appellant-Creditor  
Check Into Cash of Washington, Inc.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHECK INTO CASH OF WASHINGTON,  
INC., a Washington corporation,

Appellant-  
Cross Appellee,

v.

RUPANJALI SNOWDEN, a Washington  
resident,

Appellee-  
Cross Appellant.

Case No. 12-CV-1095-RSL  
Bankr. Case No. 09-10318  
Bankr. Internal Appeal No. 12-S029

Ninth Circuit Lead Appeal case No. 13-35291  
Ninth Circuit Cross-Appeal Case No. 13-35322

**CROSS-APPELLANT CHECK INTO  
CASH OF WASHINGTON, INC.'S  
DESIGNATION OF RECORD AND  
STATEMENT OF ISSUES ON APPEAL**

Check Into Cash of Washington, Inc. submits this Designation of Record and Statement of Issues on Appeal in connection with its cross-appeal of the above-captioned matter to the United States Court of Appeals for the Ninth Circuit. Fed. R. App. P. 6(b)(2).

**I. DESIGNATION OF RECORD**

Check Into Cash designates the following documents from the record before this Court for certification and transmission to the Clerk of the Circuit Court:

Document	Description
ECF Doc. No. 28-1	Transcript of Hearing Held on 11/01/2010 (Trial)

CROSS-APPELLANT'S DESIGNATION OF RECORD ON  
APPEAL AND STATEMENT OF ISSUES: 12-1095-RSL- 1

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ECF Doc. No. 29-1	Transcript of Hearing Held on 11/02/2010 (Trial, a.m. session)
ECF Doc. No. 29-2	Transcript of Hearing Held on 11/02/2010 (Trial, p.m. session)
ECF Doc. No. 31-1	U.S. Bank Statement (Feb. 10, 2009 – Mar. 9, 2009)
ECF Doc. No. 31-2	Check Into Cash Consumer Loan Agreement
ECF Doc. No. 31-3	Check Into Cash's "Guidelines for Bankruptcy and CCCS Accounts
ECF Doc. No. 31-4	Check Into Cash's "Collection Standards"
ECF Doc. No. 31-5	PACER search results, dated Feb. 17, 2010
ECF Doc. No. 31-6	Bankruptcy Notice of Creditor's Meeting under 11 U.S.C. § 341
ECF Doc. No. 31-7	Rupanjali Snowden Bankruptcy Petition, Schedule F
ECF Doc. No. 31-8	Personal check for \$575.00 to the order of Check Into Cash
ECF Doc. No. 31-9	Printout of certain pages from Check Into Cash's website
ECF Doc. No. 31-10	Printout of electronic stop payment order
ECF Doc. No. 31-11	Table of attorneys' fees incurred by Ms. Snowden
ECF Doc. No. 31-12	Printout of report from PACER Case Locator, dated Nov. 2, 2010
ECF Doc. No. 31-13	Collection notes from Check Into Cash's Sequim, Washington office
ECF Doc. No. 31-14	Printout of collection notes from Check Into Cash's corporate office
ECF Doc. No. 31-15	Check Into Cash's policy entitled "The day the Check is due"
ECF Doc. No. 31-16	U.S. Bank Statement (Sept. 10, 2008 – Oct. 8, 2008)
ECF Doc. No. 31-17	U.S. Bank Statement (Oct. 9, 2008 – Nov. 10, 2008)
ECF Doc. No. 31-18	U.S. Bank Statement (Dec. 9, 2008 – Jan. 9, 2009)
ECF Doc. No. 31-19	U.S. Bank Statement (Jan. 10, 2009 – Feb. 9, 2009)
ECF Doc. No. 31-20	U.S. Bank Statement (July 9, 2009 – Aug. 10, 2009)
ECF Doc. No. 31-21	E-mail from Lauren Hosie to Christina Henry, dated May 20, 2009
ECF Doc. No. 31-22	Printout from website of U.S. Bankruptcy Court
ECF Doc. No. 31-23	Declaration of Amit D. Ranade Attaching Demonstrative Trial Exhibits

CROSS-APPELLANT'S DESIGNATION OF RECORD ON  
APPEAL AND STATEMENT OF ISSUES: 12-1095-RSL - 2

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ECF Doc. No. 31-24	Judgment re: Sanctions for Stay Violation
ECF Doc. No. 32-1	Transcript of Hearing Held on 11/16/2010 (oral ruling)
ECF Doc. No. 32-2	Final Order by Judge Robert S. Lasnik
ECF Doc. No. 32-3	Judgment after Remand
ECF Doc. No. 32-4	Notice of Appeal
ECF Doc. No. 32-5	Transcript of Hearing Held on 06/07/2012 (oral ruling)
ECF Doc. No. 34	Order Affirming Decision of Bankruptcy Court by Judge Robert S. Lasnik

## II. STATEMENT OF ISSUES

1. Absent corroborating evidence, a debtor seeking emotional distress damages must establish with clear evidence that: (a) she actually suffered emotional harm; and (b) a reasonable person would suffer significant harm under the same circumstances. *In re Dawson*, 390 F.3d 1139, 1149-51 (9th Cir. 2004). The bankruptcy court, however, applied a preponderance of the evidence standard in analyzing the actual harm element. Should the Ninth Circuit reverse because the lower courts applied the wrong burden of proof to find that the debtor actually suffered emotional harm?

2. The amount of the emotional distress award grossly exceeds the amounts awarded in more egregious circumstances. Should the Ninth Circuit reverse because the award is manifestly unreasonable in comparison to other emotional distress cases?

3. Punitive damages are unavailable if the underlying conduct does not cause actual damages, and awards should be proportional in any event. After reversing the erroneous award of emotional distress damages, should the Ninth Circuit vacate the punitive damage award because the debtor cannot clearly establish her actual emotional distress?

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1 DATED this 1<sup>st</sup> day of May, 2013.

2 HILLIS CLARK MARTIN & PETERSON P.S.

3  
4 By /s/ Amit D. Ranade

5 Amit D. Ranade, WSBA #34878  
6 Alexander M. Wu, WSBA #40649  
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12 Attorneys for Appellant-Creditor  
13 Check Into Cash of Washington, Inc.

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on May 1, 2013, I electronically filed Cross-Appellant Check Into  
16 Cash of Washington, Inc.'s Designation of Record and Statement of Issues on Appeal with the  
17 Clerk of the Court using the Electronic Case Filing System which will send notification of  
18 such filing to the below counsel of record.

- 19
- 20 • **Bankruptcy Appeals (SEA)**  
ECFHelp\_Seattle@wawb.uscourts.gov
  - 21 • **Christina Latta Henry**  
chenry@HDM-legal.com,hdmecf@gmail.com,mainline@hdm-legal.com

22 I certify under penalty of perjury that the foregoing is true and correct.

23 DATED this 1<sup>st</sup> day of May, 2013.

24 /s/ Amit D. Ranade

25 Amit D. Ranade

26 ND: 19792.006 4843-8403-7651v1